

U.S. Department of Justice

Washington, DC 20530

**Supplemental Statement****Pursuant to the Foreign Agents Registration Act of 1938, as amended**For Six Month Period Ending October 31, 2011

(Insert date)

**I - REGISTRANT**

## 1. (a) Name of Registrant

Levick Strategic Communications

## (b) Registration No.

5649

## (c) Business Address(es) of Registrant

1900 M Street, NW  
Suite 400  
Washington, DC 20036

## 2. Has there been a change in the information previously furnished in connection with the following?

## (a) If an individual:

- |                           |                              |                             |
|---------------------------|------------------------------|-----------------------------|
| (1) Residence address(es) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (2) Citizenship           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (3) Occupation            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

## (b) If an organization:

- |                          |                              |  |
|--------------------------|------------------------------|--|
| (1) Name                 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| (2) Ownership or control | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| (3) Branch offices       | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

## (c) Explain fully all changes, if any, indicated in Items (a) and (b) above.

**IF THE REGISTRANT IS AN INDIVIDUAL, OMIT RESPONSE TO ITEMS 3, 4, AND 5(a).**3. If you have previously filed Exhibit C<sup>1</sup>, state whether any changes therein have occurred during this 6 month reporting period.Yes ☐ No ☒If yes, have you filed an amendment to the Exhibit C? Yes ☐ No ☐

If no, please attach the required amendment.

<sup>1</sup> The Exhibit C, for which no printed form is provided, consists of a true copy of the charter, articles of incorporation, association, and by laws of a registrant that is an organization. (A waiver of the requirement to file an Exhibit C may be obtained for good cause upon written application to the Assistant Attorney General, National Security Division, U.S. Department of Justice, Washington, DC 20530.)

4. (a) Have any persons ceased acting as partners, officers, directors or similar officials of the registrant during this 6 month reporting period?

Yes ☐ No ☒

If yes, furnish the following information:

Name	Position	Date Connection Ended
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(b) Have any persons become partners, officers, directors or similar officials during this 6 month reporting period?

Yes ☐ No ☒

If yes, furnish the following information:

Name	Residence Address	Citizenship	Position	Date Assumed
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5. (a) Has any person named in Item 4(b) rendered services directly in furtherance of the interests of any foreign principal?

Yes ☐ No ☐ N/A

If yes, identify each such person and describe the service rendered.

(b) During this six month reporting period, has the registrant hired as employees or in any other capacity, any persons who rendered or will render services to the registrant directly in furtherance of the interests of any foreign principal(s) in other than a clerical or secretarial, or in a related or similar capacity? Yes ☐ No ☒

Name	Residence Address	Citizenship	Position	Date Assumed
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(c) Have any employees or individuals, who have filed a short form registration statement, terminated their employment or connection with the registrant during this 6 month reporting period? Yes ☐ No ☒

If yes, furnish the following information:

Name	Position or Connection	Date Terminated
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(d) Have any employees or individuals, who have filed a short form registration statement, terminated their connection with any foreign principal during this 6 month reporting period? Yes ☐ No ☒

If yes, furnish the following information:

Name	Position or Connection	Foreign Principal	Date Terminated
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6. Have short form registration statements been filed by all of the persons named in Items 5(a) and 5(b) of the supplemental statement?

Yes ☐ No ☐ N/A

If no, list names of persons who have not filed the required statement.

**II - FOREIGN PRINCIPAL**

7. Has your connection with any foreign principal ended during this 6 month reporting period? Yes ☐ No ☒

If yes, furnish the following information:

Foreign Principal

Date of Termination

8. Have you acquired any new foreign principal(s)<sup>2</sup> during this 6 month reporting period? Yes ☐ No ☒

If yes, furnish the following information:

Name and Address of Foreign Principal(s)

Date Acquired

9. In addition to those named in Items 7 and 8, if any, list foreign principal(s)<sup>2</sup> whom you continued to represent during the 6 month reporting period.

International Counsel Bureau

10. (a) Have you filed exhibits for the newly acquired foreign principal(s), if any, listed in Item 8? N/A

Exhibit A<sup>3</sup> Yes ☐ No ☐

Exhibit B<sup>4</sup> Yes ☐ No ☐

If no, please attach the required exhibit.

- (b) Have there been any changes in the Exhibits A and B previously filed for any foreign principal whom you represented during this six month period? Yes ☐ No ☒

If yes, have you filed an amendment to these exhibits? Yes ☐ No ☐

If no, please attach the required amendment.

<sup>2</sup> The term "foreign principal" includes, in addition to those defined in section 1(b) of the Act, an individual organization any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government, foreign political party, foreign organization or foreign individual. (See Rule 100(a) (9)). A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those principals for whom he is not entitled to claim exemption under Section 3 of the Act. (See Rule 208.)

<sup>3</sup> The Exhibit A, which is filed on Form NSD-3 (Formerly CRM-157) sets forth the information required to be disclosed concerning each foreign principal.

<sup>4</sup> The Exhibit B, which is filed on Form NSD-4 (Formerly CRM-155) sets forth the information concerning the agreement or understanding between the registrant and the foreign principal.

**III - ACTIVITIES**

11. During this 6 month reporting period, have you engaged in any activities for or rendered any services to any foreign principal named in Items 7, 8, or 9 of this statement? Yes ☒ No ☐

If yes, identify each foreign principal and describe in full detail your activities and services:

International Counsel Bureau – Registrant provided public relations and media relations support; contacted representatives of the media and non-governmental organizations to discuss Guantanamo Bay and the cases of the Kuwaiti detainees with regard to President Obama's plan to close Guantanamo, habeas corpus hearings, next steps in the case of the Kuwaiti detainees' cases and detainees' legal challenges in federal court.

12. During this 6 month reporting period, have you on behalf of any foreign principal engaged in political activity<sup>5</sup> as defined below? Yes ☒ No ☐

If yes, identify each such foreign principal and describe in full detail all such political activity, indicating, among other things, the relations, interests and policies sought to be influenced and the means employed to achieve this purpose. If the registrant arranged, sponsored or delivered speeches, lectures or radio and TV broadcasts, give details as to dates, places of delivery, names of speakers and subject matter.

Please see Attachment 1.

13. In addition to the above described activities, if any, have you engaged in activity on your own behalf which benefits your foreign principal(s)? Yes ☐ No ☒

If yes, describe fully.

<sup>5</sup> The term "political activity" means any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting or changing the domestic or foreign policies of the United States or with reference to political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

**IV - FINANCIAL INFORMATION****14. (a) RECEIPTS-MONIES**

During this 6 month reporting period, have you received from any foreign principal named in Items 7, 8, or 9 of this statement, or from any other source, for or in the interests of any such foreign principal, any contributions, income or money either as compensation or otherwise? Yes ☐ No ☒

If no, explain why.

Invoices sent to International Counsel Bureau during this reporting period have not been paid.

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies.<sup>6</sup>

Date	From Whom	Purpose	Amount
			Total

**(b) RECEIPTS - FUNDRAISING CAMPAIGN**

During this 6 month reporting period, have you received, as part of a fundraising campaign<sup>7</sup>, any money on behalf of any foreign principal named in Items 7, 8, or 9 of this statement? Yes ☐ No ☒

If yes, have you filed an Exhibit D to your registration? Yes ☐ No ☐

If yes, indicate the date the Exhibit D was filed. Date \_\_\_\_\_

**(c) RECEIPTS-THINGS OF VALUE**

During this 6 month reporting period, have you received any thing of value<sup>9</sup> other than money from any foreign principal named in Items 7, 8, or 9 of this statement, or from any other source, for or in the interests of any such foreign principal?

Yes ☐ No ☒

If yes, furnish the following information:

Foreign Principal	Date Received	Thing of Value	Purpose
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<sup>6, 7</sup> A registrant is required to file an Exhibit D if he collects or receives contributions, loans, moneys, or other things of value for a foreign principal, as part of a fundraising campaign. (See Rule 201(e)).

<sup>8</sup> An Exhibit D, for which no printed form is provided, sets forth an account of money collected or received as a result of a fundraising campaign and transmitted for a foreign principal.

<sup>9</sup> Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

**15. (a) DISBURSEMENTS-MONIES**

During this 6 month reporting period, have you

(1) disbursed or expended monies in connection with activity on behalf of any foreign principal named in Items 7, 8, or 9 of this statement? Yes ☒ No ☐(2) transmitted monies to any such foreign principal? Yes ☐ No ☒

If no, explain in full detail why there were no disbursements made on behalf of any foreign principal.

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies, including monies transmitted, if any, to each foreign principal.

Date	To Whom	Purpose	Amount
05/31/11	Joel Miller	Hosting Fee May 2011	\$454.80
05/31/11	Joel Miller	Hosting Fee June 2011	\$454.80
06/30/11	Joel Miller	Hosting Fee July 2011	\$454.80
07/31/11	Joel Miller	Hosting Fee August 2011	\$454.80
08/31/11	Joel Miller	Hosting Fee September 2011	\$454.80
09/29/11	Joel Miller	Hosting Fee October 2011	\$454.80
10/31/11	Joel Miller	Hosting Fee November 2011	\$454.80

\$3,183.60

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Total

(b) **DISBURSEMENTS-THINGS OF VALUE**

During this 6 month reporting period, have you disposed of anything of value<sup>10</sup> other than money in furtherance of or in connection with activities on behalf of any foreign principal named in Items 7, 8, or 9 of this statement?

Yes ☐

No ☒

If yes, furnish the following information:

Date	Recipient	Foreign Principal	Thing of Value	Purpose
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(c) **DISBURSEMENTS-POLITICAL CONTRIBUTIONS**

During this 6 month reporting period, have you from your own funds and on your own behalf either directly or through any other person, made any contributions of money or other things of value<sup>11</sup> in connection with an election to any political office, or in connection with any primary election, convention, or caucus held to select candidates for political office?

Yes ☐

No ☒

If yes, furnish the following information:

Date	Amount or Thing of Value	Political Organization or Candidate	Location of Event
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<sup>10, 11</sup> Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks" and the like.

## V - INFORMATIONAL MATERIALS

16. (a) During this 6 month reporting period, did you prepare, disseminate or cause to be disseminated any informational materials?<sup>12</sup>  
 Yes ☒ No ☐

If Yes, go to Item 17.

- (b) If you answered No to Item 16(a), do you disseminate any material in connection with your registration?  
 Yes ☐ No ☐

If Yes, please forward the materials disseminated during the six month period to the Registration Unit for review.

17. Identify each such foreign principal.  
 International Counsel Bureau

18. During this 6 month reporting period, has any foreign principal established a budget or allocated a specified sum of money to finance your activities in preparing or disseminating informational materials? Yes ☐ No ☒  
 If yes, identify each such foreign principal, specify amount, and indicate for what period of time.

19. During this 6 month reporting period, did your activities in preparing, disseminating or causing the dissemination of informational materials include the use of any of the following:

- ☐ Radio or TV broadcasts ☒ Magazine or newspaper ☐ Motion picture films ☐ Letters or telegrams  
☐ Advertising campaigns ☐ Press releases ☐ Pamphlets or other publications ☐ Lectures or speeches  
☒ Other (specify) Blog posts

## Electronic Communications

- ☒ Email  
☐ Website URL(s): \_\_\_\_\_  
☐ Social media websites URL(s): \_\_\_\_\_  
☐ Other (specify) \_\_\_\_\_

20. During this 6 month reporting period, did you disseminate or cause to be disseminated informational materials among any of the following groups:

- ☐ Public officials ☐ Newspapers ☐ Libraries  
☐ Legislators ☒ Editors ☐ Educational institutions  
☐ Government agencies ☐ Civic groups or associations ☐ Nationality groups  
☒ Other (specify) Journalists, reporters and bloggers

21. What language was used in the informational materials:

- ☒ English ☐ Other (specify) \_\_\_\_\_

22. Did you file with the Registration Unit, U.S. Department of Justice a copy of each item of such informational materials disseminated or caused to be disseminated during this 6 month reporting period? Yes ☐ No ☒  
 Please see Attachment 2.

23. Did you label each item of such informational materials with the statement required by Section 4(b) of the Act?  
 Yes ☒ No ☐

<sup>12</sup> The term informational materials includes any oral, visual, graphic, written, or pictorial information or matter of any kind, including that published by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or any means or instrumentality of interstate or foreign commerce or otherwise. Informational materials disseminated by an agent of a foreign principal as part of an activity in itself exempt from registration, or an activity which by itself would not require registration, need not be filed pursuant to Section 4(b) of the Act.



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**VI - EXECUTION**

In accordance with 28 U.S.C. § 1746, the undersigned swear(s) or affirm(s) under penalty of perjury that he/she has (they have) read the information set forth in this registration statement and the attached exhibits and that he/she is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her (their) knowledge and belief, except that the undersigned make(s) no representation as to truth or accuracy of the information contained in the attached Short Form Registration Statement(s), if any, insofar as such information is not within his/her (their) personal knowledge.

(Date of signature)

(Print or type name under each signature or provide electronic signature<sup>13</sup>)

November 30, 2011

/s/ Lisa C. Santopietro

eSigned

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<sup>13</sup> This statement shall be signed by the individual agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions, if the registrant is an organization, except that the organization can, by power of attorney, authorize one or more individuals to execute this statement on its behalf.

## Attachment 1

Organization	First Name	Last Name	Title	Form of Communication	Sort Date	Date	Purpose
Agence France Presse	Lucile	Malandain	DC Bureau	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Associated Press	Larry	Neumeister	Federal Courts Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Associated Press	Nedra	Pickler	Federal Courts Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Bloomberg	Justin	Blum	Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
CNN	Terry	Frieden	Justice Producer	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
McClatchy Newspapers	Marisa	Taylor	Department of Justice Correspondent	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
McClatchy Newspapers	Mike	Doyle	Supreme Court Correspondent	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
NPR	Ari	Shapiro	White House Correspondent	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Politico	Josh	Gerstein	Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Reuters	Jeremy	Pelofsky	White House Correspondent	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Reuters	James	Vicini	Correspondent	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Reuters	Jane	Sutton	Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The New York Times	Adam	Liptak	Supreme Court Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The New York Times	Charlie	Savage	News Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The New York Times	Benjamin	Weiser	Federal Courts Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The Huffington Post	Daphne	Eviatar	Senior Associate in Human Rights First's Law and Security Program	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The Washington Post	Peter	Finn	National Security Writer	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The Washington Post	Del Quentin	Wilber	Federal Courts Staff Writer	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The Wall Street Journal	Evan	Perez	Legal Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
The Wall Street Journal	Devlin	Barrett	Congress Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece

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The Wall Street Journal	Jess	Bravin	Reporter	Email	5/13/2011	5/13/2011	Sharing Kuwait Times 5/12 piece
Agence France Presse	Lucile	Malandain	DC Bureau	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Associated Press	Larry	Neumeister	Federal Courts Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Associated Press	Nedra	Pickler	Federal Courts Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Bloomberg	Justin	Blum	Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
CNN	Terry	Frieden	Justice Producer	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
McClatchy Newspapers	Marisa	Taylor	Department of Justice Correspondent	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
McClatchy Newspapers	Mike	Doyle	Supreme Court Correspondent	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Miami Herald	Carol	Roseberg	Correspondent	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
NPR	Ari	Shapiro	White House Correspondent	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Politico	Josh	Gerstein	Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Reuters	Jeremy	Pelofsky	White House Correspondent	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Reuters	James	Vicini	Correspondent	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
Reuters	Jane	Sutton	Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The New York Times	Adam	Liptak	Supreme Court Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The New York Times	Charlie	Savage	News Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The New York Times	Benjamin	Weiser	Federal Courts Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The Huffington Post	Daphne	Eviatar	Senior Associate in Human Rights First's Law and Security Program	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The Washington Post	Peter	Finn	National Security Writer	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The Washington Post	Del Quentin	Wilber	Federal Courts Staff Writer	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The Wall Street Journal	Evan	Perez	Legal Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The Wall Street Journal	Devlin	Barrett	Congress Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The Wall Street Journal	Jess	Bravin	Reporter	Email	6/3/2011	6/3/2011	Sharing Arab Times 6/2 piece
The New York Times	Charlie	Savage	News Reporter	Email	6/3/2011	6/3/2011	Responding to question, sent Kuwait News Agency and Arab Times articles from December 1, 2010

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Agence France Presse	Lucile	Malandain	DC Bureau	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
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CNN	Terry	Frieden	Justice Producer	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
McClatchy Newspapers	Marisa	Taylor	Department of Justice Correspondent	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
McClatchy Newspapers	Mike	Doyle	Supreme Court Correspondent	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
Miami Herald	Carol	Roseberg	Correspondent	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
NPR	Ari	Shapiro	White House Correspondent	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
Politico	Josh	Gerstein	Reporter	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
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The New York Times	Charlie	Savage	News Reporter	Email	7/1/2011	7/1/2011	Sharing Political Carnival 6/30 piece
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Politico	Josh	Gerstein	Reporter	Email	7/29/2011	7/29/2011	

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Reuters	Jane	Sutton	Reporter	Email	7/29/2011	7/29/2011	Sharing Andy Worthington 7/28 blog post and <i>Bellingham Herald</i> 7/29 op-ed on recent habeas corpus rulings
The New York Times	Adam	Liptak	Supreme Court Reporter	Email	7/29/2011	7/29/2011	Sharing Andy Worthington 7/28 blog post and <i>Bellingham Herald</i> 7/29 op-ed on recent habeas corpus rulings
The New York Times	Charlie	Savage	News Reporter	Email	7/29/2011	7/29/2011	Sharing Andy Worthington 7/28 blog post and <i>Bellingham Herald</i> 7/29 op-ed on recent habeas corpus rulings
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The Kuwait Times	Main contact email address: info@kuwaittimes.net			Email	11/7/2011	11/7/2011	Pitched David Cynamon's op-ed on the 10th Eid at Guantanamo Bay for Fawzi Al-Odah and Fayiz Al-Kandari
The Kuwait Times	Ben	Garcia	Reporter	Email	40855	40855	Followed up with him regarding David Cynamon's op-ed on the 10th Eid at Guantanamo for Fawzi Al-Odah and Fayiz Al-Kandari, as I have not heard back after yesterday's pitch to the main email address
Agence France Presse	Lucile	Malandain	DC Bureau	Email	11/8/2011	11/8/2011	Sharing David Cynamon's 11/8 op-ed published on Al-Jazeera English regarding Fawzi Al-Odah's and Fayiz Al-Kandari's 10th Eid at Guantanamo

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## Attachment 2

May 13, 2011

Dear [NAME],

Good afternoon. I thought you would be interested in the article below on a Kuwait University symposium on Kuwaiti Guantanamo detainees Fawzi Al-Odah and Fayiz Al-Kandari.

Please let me know if you have any questions or would like any additional information.

Thank you,  
Lee

### 'Everyone receives a fair trial'

By Nawara Fattahova  
The Kuwait Times  
May 12, 2011

Source: [http://www.kuwaittimes.net/read\\_news.php?newsid=MjY5OTkyNTk0](http://www.kuwaittimes.net/read_news.php?newsid=MjY5OTkyNTk0)

KUWAIT: The United States of America has been detaining two Kuwaitis in the Guantanamo prison since 2002. Their families are still waiting for their return. The Kuwaiti government has been actively pursuing this case, and has been corresponding with the American government on their repatriation. Fawzi Al-Odah and Fayiz Al-Kandari have been imprisoned for about 10 years without being tried for specific crimes. In the beginning, 12 Kuwaitis were kidnapped from Afghanistan and detained. During the previous year, 10 were already released and returned to Kuwait. They were subject to investigations. Finally, they were released and were found innocent.

The College of Social Studies (CSS) of the Kuwait University (KU) held a symposium yesterday at its premises on the issue. The families of 12 detainees were present during the event, "We formed a committee in 2002 to work toward getting our sons back. This year, international support was pledged to US in its war against terrorism. Speaking about the Guantanamo issue was taboo. However, the situation has changed today," said Khalid Al-Odah, Head of the Kuwait Family Committee for Detainees of Guantanamo and one of the detainees' father.

All the detainees are subject to inhuman torture and live in inhuman conditions," The whole world knows that they are tortured. All the detainees who were released, belonging to different nationalities, tell the same stories. Their conditions in Guantanamo are miserable. The Kuwaiti detainees are not allowed to pray together. They are not allowed to speak over the phone about their situation. Also, investigations were completed five years ago. What can they tell after 10 years. It's sheer nonsense and we will work hard to get them out," he pointed out.

The detainees have been incarcerated in Guantanamo for many years, "In the beginning, we demanded from the States that it to provide us with their right to defend themselves. Until this day, they have not received a just trial. They have not been accused of committing a certain crime. All of our requests were ignored by the American government," he added.

Although the Kuwaiti Ministry of Foreign Affairs held negotiations with the American Ministry of Foreign Affairs, no result has been achieved, "The case is the responsibility and power of the American Defense Ministry. I'm really amazed at the negligence of Barack Obama, who promised to solve the Guantanamo issue. He did not even react to the official letter that was referred by HH the Amir in January this year. Previously, the Amir also sent a letter to Obama in 2010, to which Hilary Clinton replied after two months, and it didn't mention anything about releasing the detainees," stressed Al-Odah.

The Committee has been cooperating with the NGO's and media, "We are now in a better position than in the past. We have not achieved our goal of releasing the remaining two detainees. We are also dealing with the law firm of Abdulrahman Al-Haroun, after nine other agencies refused to deal with us. They also came to Kuwait. In 2004, detainees were allowed to stand in front of the Military Commissions. In 2007, they were allowed to be judged in front of an American Federal court. Therefore, the United States has been ignoring this case," he added.

The United States does release some of the detainees every time, with the aim of reducing international pressure exerted by human rights organizations. They previously announced that certain conditions have been set to release detainees such as building a rehabilitation center for detainees," highlighted Al-Odah.

Dr Ghanim Al-Najjar, teacher at the CSS and a columnist noted that the Kuwaiti Parliament is not interested in this issue, owing to its priorities. I admit that the Parliament should work harder. Also, the government should exert pressure on the United States because common interests are shared. Our government believes it too small and therefore cannot do anything. That is not right. Every person has the right to receive a fair trial whatever be the charges pressed against him," he added.

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*



June 3, 2011

Dear [NAME],

Good morning. I thought you would be interested in the article below on a petition signed by the Kuwaiti Parliament Speaker, as well as 33 other MPs, urging the release or fair trial of Kuwaiti Guantanamo detainees Fawzi Al-Odah and Fayiz Al-Kandari.

Please let me know if you have any questions or would like any additional information.

Thank you,  
Lee

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**MPs call for release of 'Gitmos'**  
**Lawyer criticises Jones' statement**

By Nihal Sharaf  
The Arab Times  
June 2, 2011

Source:

<http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/169861/reftab/36/Default.aspx>

KUWAIT CITY, June 2: Speaker of Parliament Jassem Al-Khorafi, as well as 33 MPs, have signed a petition requesting the US government to release the Kuwaiti Guantanamo Bay detainees or refer them to a fair trial, said attorney Duwaim Al-Muwaizri on Thursday.

Al-Muwaizri, who is part of the defense committee that represents prisoners Fayeze Al-Khandari and Fawzi Al-Odah, said that he requested both the legislative and executive authorities to reconsider the case and work on recommendations on how to better protect the detainees.

The attorney expressed his disapproval of Kuwait US Ambassador's statements on the situation. According to Al-Muwaizri, Deborah Jones had stated to a magazine that the prisoners are a danger to Kuwait and the United States. He noted the statements indicate that the US administration will resume its detentions.

Meanwhile, lawyer Adel Abdulhadi — member of the defense team appointed to represent Al-Kandari — issued a response to Jones' statement which is alleged to have classified both of the Guantanamo detainees as "terrorists".

"Noting that the above-mentioned statement provokes the feelings of humanity in general and the Kuwaiti people in particular, it is outrageous that the US Ambassador who represents the largest nation in the world that prides itself as upholders of the principles of law, justice and fairness would issue such a statement regarding the Kuwaiti citizens detained at Guantanamo Bay.

"Such an attitude is, however, not surprising as it is the new United States policy consisting of detaining innocent people, shackling and imprisoning them in animal cages without trial and without evidence. "If these detainees were that dangerous to the United States of America and the State of Kuwait as alleged by Ambassador Deborah Jones, then the justified legal action should have been taken in the last 10 years to present them for trial, enforce the law and mete out punishment where they are declared guilty," Abdulhadi said.

Consequently, I demand Her Excellency the US Ambassador arrange for an immediate release of Fayez Al-Kandari and Fawzi Al-Odah. We will not hesitate to present them for trial in our country if charges are brought against them since our country respects and applies international laws and regulations and human rights conventions.

I, therefore, urge our government, Members of Parliament, human rights commissions, civil society and all who have participated in the campaign demanding the release of Fawzi Al-Odah and Fayez Al-Kandari to respond urgently and immediately by condemning such a provocative statement," he added.

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*

June 3, 2011

[NAME],

Below please find two articles which I hope answer your question. The first is an *Kuwait News Agency* piece from December 1, 2010, while the second is an *Arab Times* piece published the same day. According to the *Kuwait News Agency* article, Kuwaiti Foreign Minister Sheikh Dr. Mohammad Sabah Al-Salem Al-Sabah stated, "State of Kuwait is firmly against the unjustifiable detentions and presses for fair trials for all detainees." There are a few other quotes in reaction to the WikiLeaks revelation in the articles as well.

Please let me know if you need anything else.

Thanks,  
Lee

**Kuwait can never abandon her Gitmo detainees -- FM**  
**KUNA**  
**December 1, 2010**

Source:

<http://www.kuna.net.kw/NewsAgenciesPublicSite/ArticleDetails.aspx?id=2128294&Language=en>

KUWAIT, Dec 1 (KUNA) -- Kuwait's Deputy Prime Minister and Foreign Minister Sheikh Dr. Mohammad Sabah Al-Salem Al-Sabah said Wednesday his country can never abandon the Kuwaiti detainees at the US detention camp in Guantanamo Bay, Cuba.

Commenting on the recent revelations in this regard by the WikiLeaks, Sheikh Dr. Mohammad said: "The State of Kuwait is firmly against the unjustifiable detentions and presses for fair trials for all detainees." "His Highness the Amir Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah has spearheaded the advocacy for the return of Kuwaiti Gitmo detainees to their home. He called for their return during his meetings with former US president George Bush and incumbent President Barack Obama," the minister pointed out.

Sheikh Dr. Mohammad wondered how anybody can allege that "we don't want our sons. This is impossible." The documents posted on the controversial website are claimed to be concerning meetings between Kuwaiti Minister of Interior Sheikh Jaber Al-Khaled Al-Sabah and US ambassador to Kuwait as well as the stance on Iran.

Sheikh Dr. Mohammad said that the minister of interior refuted the allegations contained in WikiLeaks documents, noting that the meetings were not bilateral and that Kuwait has copies of their minutes.

Concerning Iran's nuclear program, he said: "Our position is crystal clear since the very beginning; what we say in private is the same as what we say in public."

**Kuwait disavows leaked cable saying it wanted Gitmos dead,**  
**US ambassador steps in to clarify Kuwaiti govt's position**  
**Arab Times**  
**December 1, 2010**

Source: <http://www.arabtimesonline.com/NewsDetails/tabid/96/smld/414/ArticleID/162586/t/Kuwait-disavows-leaked-cable-saying-it-wanted-Gitmos-dead/Default.aspx>

KUWAIT CITY, Dec 1, (Agencies): Kuwait disowned on Wednesday comments attributed to its interior minister calling for the death of its nationals held at the US Guantanamo Bay prison camp in Cuba. "The interior minister has denied the report as mere lies," Foreign Minister Sheikh Mohammad al-Sabah told reporters in response to the US diplomatic telegram leaked by whistleblower website WikiLeaks. The minister said the Kuwaiti side did not keep minutes of the reported meetings.

Interior Minister Sheikh Jaber Khaled al-Sabah was quoted as telling the US ambassador that his country did not want to see the return of Kuwaiti suspects held in Guantanamo Bay and suggested "the best thing to do is get rid of them."

The exchange between Sheikh Jaber and the US envoy to Kuwait, which took place in February last year, was recorded in a US State Department cable published by WikiLeaks on Tuesday.

"You know better than I that we cannot deal with these people," the minister protested, arguing that Kuwait is a small and tight-knit society where family ties hold more sway than any legal measure he could take. "You picked them up in Afghanistan. You should drop them off in Afghanistan — in the middle of the war zone."

The foreign minister insisted, however, that "it is impossible to think that Kuwait will ever forget about its sons ... detained in Guantanamo without trial." US Ambassador Deborah Jones also stepped in to clarify the Kuwaiti government position.

"I would like to make clear that the Kuwaiti government has been consistent in its request for the return of Kuwait's remaining Guantanamo detainees," Jones said in a statement sent by e-mail.

"Our discussions on this matter have centered around modalities that could help facilitate the release of individuals we believe may continue to represent a threat to US interests and those of our allies, including Kuwait," she said.

"While our conversations have addressed in general terms the legal hurdles and difficulties for civil society in dealing with non-state terrorist actors, at no time has anyone seriously recommended that we allow the Gitmo detainees to die," Jones said.

Islamist MP Mohammad Hayef said he would submit written questions to the interior minister about the leaked documents.

Iranian Foreign Minister Manouchehr Mottaki, in Kuwait to attend a donors conference for east Sudan, cited the Kuwaiti ruler as saying the WikiLeaks documents will not affect bilateral relations.

"His highness said the documents have been leaked for the purpose of creating conflicts, but it will not affect bilateral ties," Mottaki told a news conference.

"His Highness the Amir Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah has spearheaded the advocacy for the return of Kuwaiti Gitmo detainees to their home. He called for their return during his meetings with former US president George Bush and incumbent President Barack Obama," the minister pointed out.

Sheikh Dr. Mohammad wondered how anybody can allege that "we don't want our sons. This is impossible."

**From:** Lee Betancourt [mailto:LBetancourt@levick.com]  
**Sent:** Friday, June 03, 2011 11:31 AM  
**To:** Savage, Charles  
**Subject:** Arab Times: MPs Call for Release of 'Gitmos'

Dear Charlie,

Good morning. I thought you would be interested in the article below on a petition signed by the Kuwaiti Parliament Speaker, as well as 33 other MPs, urging the release or fair trial of Kuwaiti Guantanamo detainees Fawzi Al-Odah and Fayiz Al-Kandari.

Please let me know if you have any questions or would like any additional information.

Thank you,  
Lee

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**MPs call for release of 'Gitmos'**  
**Lawyer criticises Jones' statement**

By Nihal Sharaf  
The Arab Times  
June 2, 2011

Source:

<http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/169861/reftab/36/Default.aspx>

KUWAIT CITY, June 2: Speaker of Parliament Jassem Al-Khorafi, as well as 33 MPs, have signed a petition requesting the US government to release the Kuwaiti Guantanamo Bay detainees or refer them to a fair trial, said attorney Duwaim Al-Muwaizri on Thursday.

Al-Muwaizri, who is part of the defense committee that represents prisoners Fayeze Al-Khandari and Fawzi Al-Odah, said that he requested both the legislative and executive authorities to reconsider the case and work on recommendations on how to better protect the detainees.

The attorney expressed his disapproval of Kuwait US Ambassador's statements on the situation. According to Al-Muwaizri, Deborah Jones had stated to a magazine that the prisoners are a danger to Kuwait and the United States. He noted the statements indicate that the US administration will resume its detentions.

Meanwhile, lawyer Adel Abdulhadi — member of the defense team appointed to represent Al-Kandari — issued a response to Jones' statement which is alleged to have classified both of the Guantanamo detainees as "terrorists".

"Noting that the above-mentioned statement provokes the feelings of humanity in general and the Kuwaiti people in particular, it is outrageous that the US Ambassador who represents the largest nation

in the world that prides itself as upholders of the principles of law, justice and fairness would issue such a statement regarding the Kuwaiti citizens detained at Guantanamo Bay.

"Such an attitude is, however, not surprising as it is the new United States policy consisting of detaining innocent people, shackling and imprisoning them in animal cages without trial and without evidence.

"If these detainees were that dangerous to the United States of America and the State of Kuwait as alleged by Ambassador Deborah Jones, then the justified legal action should have been taken in the last 10 years to present them for trial, enforce the law and mete out punishment where they are declared guilty," Abdulhadi said.

Consequently, I demand Her Excellency the US Ambassador arrange for an immediate release of Fayezi Al-Kandari and Fawzi Al-Odah. We will not hesitate to present them for trial in our country if charges are brought against them since our country respects and applies international laws and regulations and human rights conventions.

I, therefore, urge our government, Members of Parliament, human rights commissions, civil society and all who have participated in the campaign demanding the release of Fawzi Al-Odah and Fayezi Al-Kandari to respond urgently and immediately by condemning such a provocative statement," he added.

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*

July 1, 2011

Dear [NAME],

Please see below for a blog post on efforts to share the story of Kuwaiti Guantanamo detainee Fayiz Al-Kandari and to call for his release, including a Twitter campaign, #FreeFayiz.

Let me know if you have any questions or would like any additional information.

Thank you,  
Lee

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### **Justice Department Launches Criminal Probe Into Deaths During CIA "Interrogations"**

The Political Carnival  
June 30, 2011

Source: <http://thepoliticalcarnival.net/2011/06/30/justice-department-launches-criminal-probe-into-deaths-during-cia-interrogations/>

I'm glad to see there will be an investigation, but I have very low expectations. A.G. Holder's statement:

"Mr. Durham [Bush prosecutor] and his team reviewed a tremendous volume of information pertaining to the detainees. That review included both information and matters that had never previously been examined by the department. Mr. Durham has advised me of the results of his investigation, and I have accepted his recommendation to conduct a full criminal investigation regarding the death in custody of two individuals. Those investigations are ongoing... The Department has determined that an expanded criminal investigation of the remaining matters is not warranted."

Of course, there is no guarantee that charges will be brought. And further investigation into other cases? "Not warranted." No need, look forward, not backward... BushCo skates. I can't imagine why other "remaining matters" don't also deserve deeper probes.

In a way, it's reminiscent of the way the John Ensign matter was handled, and how the Senate dug up more than the Justice Department did, which caused DOJ to renew its own investigation. Come on, DOJ, you can do better.

There may be all kinds of reasons, both political and legal, why investigating the Bush Torture Corporation might cause problems for a lot of public officials, but breaking the law is wrong, as is setting the wrong precedent. We are a nation of laws, so let's abide by them.

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All my previous posts on this subject matter can be found here; That link includes one specific to only \*Fayiz al-Kandari's story here (very similar to Hicks' in that he was sold for bounty).



Here are audio and video interviews with Lt. Col. Wingard, one by David Shuster, one by Ana Marie Cox, and more. My guest commentary at BuzzFlash is here.

Lt. Col. Barry Wingard is a military attorney who represents Fayiz Al-Kandari in the Military Commission process and in no way represents the opinions of his home state. When not on active duty, Colonel Wingard is a public defender in Pittsburgh, Pennsylvania.

If you are inclined to help rectify these injustices: Twitterers, use the hashtag #FreeFayiz. We have organized a team to get these stories out. If you are interested in helping Fayiz out, e-mail me at The Political Carnival, address in sidebar to the right; or tweet me at @GottaLaff.

If you'd like to see other ways you can take action, go here and scroll down to the end of the article.

Then read Jane Mayer's book *The Dark Side*. You'll have a much greater understanding of why I post endlessly about this, and why I'm all over the CIA deception issues, too.

More of Fayiz's story here, at Answers.com.

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*

July 29, 2011

Dear [NAME],

Please see below for a blog post and op-ed on the D.C. Circuit Court's recent responses to Guantanamo detainees' habeas corpus petitions.

Let me know if you have any questions or would like any additional information.

Thank you,  
Lee

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## **Guantánamo and the Death of Habeas Corpus**

Andy Worthington  
July 28, 2011

Source: <http://www.andyworthington.co.uk/2011/07/28/guantanamo-and-the-death-of-habeas-corpus/>

Last month, the third anniversary of *Boumediene v. Bush* (on June 12) passed without mention. This was a great shame, not only because it was a powerful ruling, granting the Guantánamo prisoners constitutionally guaranteed habeas corpus rights, but also because, after that bold intervention, which led to the release of 26 prisoners who subsequently won their habeas corpus petitions, the prisoners at Guantánamo have once more been abandoned by the courts.

The courts' failure has come about largely because a number of judges in the D.C. Circuit Court, where appeals against the habeas rulings are filed, have revealed themselves to be at least as right-wing as the architects of the "War on Terror" in the Bush administration. Led by Judge A. Raymond Randolph, whose previous claim to fame on national security issues was that he supported every piece of Guantánamo-related legislation that was subsequently overturned by the Supreme Court, the Circuit Court has, in the last year, succeeded in gutting habeas corpus of all meaning, when its relief is sought by any of the 171 men still held at Guantánamo.

Throughout this year, I have followed, with despair, the Circuit Court's rulings, which are distressing on two fronts: firstly, because judges have whittled away at the lower courts' demands that the government establish its case "by a preponderance of the evidence," which is a very low standard in the first place; and secondly, because the Circuit Court has reinforced the misconception at the heart of the "War on Terror," almost delighting, it seems, in failing to acknowledge that soldiers are different from terrorists.

In fact, despite the Supreme Court's attempt to grant rights to the prisoners, both soldiers and terrorists are still, essentially, held at Guantánamo as a category of human being with almost no rights at all — what George W. Bush notoriously referred to as "unlawful enemy combatants."

Last month, just after the Boumediene anniversary, on June 23, Judge Ricardo Urbina delivered the 60th Guantánamo habeas ruling, turning down the habeas petition of Khairullah Khairkhwa, an Afghan prisoner (PDF). This was unsurprising, as Khairkhwa was the governor of the western province of Herat under the Taliban, and had also served as the Taliban's Minister of the Interior. Crucially, Khairkhwa's defense turned on his claim that he did not have a military role, but Judge Urbina agreed with the Justice Department that there was evidence indicating that "he served as a member of a Taliban envoy that met clandestinely with senior Iranian officials to discuss Iran's offer to provide the Taliban with weapons and other military support in anticipation of imminent hostilities with US coalition forces."

This may well be the case, although it does not detract from the ongoing, and largely unchallenged absurdity of holding prisoners at Guantánamo who were involved in military activity, rather than those who were involved with acts of international terrorism. Unless Khaikhwa was involved in the planning and execution of the 9/11 attacks, he should, I contend, have been held as a prisoner of war, and not as an "enemy combatant," and, very possibly, tried in Afghanistan for the war crimes of which he has been accused. These took place in 1998, when he was in charge as the Taliban took the northern Afghan city of Mazar-e-Sharif, and proceeded to massacre thousands of its inhabitants, the Hazara and the Uzbeks, who, along with Tajiks and Pashtuns, make up the four main ethnic groups in Afghanistan.

It is to no one's credit that, nearly ten years after the 9/11 attacks, the deliberate confusion at the heart of the "War on Terror" — designed by senior Bush administration officials to allow them to set up an illegal interrogation camp at Guantánamo, and to coercively interrogate those it held, and even to torture them — still exists, imprisoning soldiers, and even military commanders like Khaikhwa, in an experimental prison associated with terrorism, possibly for the rest of their lives.

Last Friday, July 22, the Circuit Court reinforced its position, denying the appeal of Muaz al-Alawi (known to the authorities as Moath al-Alwi), who lost his habeas petition 18 months ago, in January 2009. Al-Alawi was one of the first prisoners to lose his habeas petition, and his case was emblematic of the distortions required to equate soldiers with terrorists.

At the time Judge Richard Leon turned down his habeas petition, the Court first had to establish that, in order to be detained, prisoners were required to be "part of or supporting Taliban or al-Qaeda forces, or associated forces that are engaged in hostilities against the US or its coalition partners," which included "any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces." As I explained at the time:

By Leon's own account of the evidence, al-Alawi was in Afghanistan before the 9/11 attacks, and was fighting with the Taliban against the Northern Alliance. To counter this, he endorsed the government's additional claim that, "rather than leave his Taliban unit in the aftermath of September 11, 2001," al-Alawi "stayed with it until after the United States initiated Operation Enduring Freedom on October 7, 2001; fleeing to Khowst and then to Pakistan only after his unit was subjected to two-to-three US bombing runs."

In other words, Judge Leon ruled that Muaz al-Alawi can be held indefinitely without charge or trial because, despite traveling to Afghanistan to fight other Muslims before September 11, 2001, "contend[ing] that he had no association with al-Qaeda," and stating that "his support for and association with the Taliban was minimal and not directed at US or coalition forces," he was still in Afghanistan when that conflict morphed into a different war following the US-led invasion in October 2001. As Leon admitted in his ruling, "Although there is no evidence of petitioner actually using arms against US or coalition forces, the Government does not need to prove such facts in order for petitioner to be classified as an enemy combatant under the definition adopted by the Court."

Given the confused definition of who can legitimately be detained at Guantánamo, and the impact, in the last year, of the Circuit Court's repeated assaults on the lower courts' rulings, it was obvious that al-Alawi's appeal would fail (PDF), but that is no cause for celebration.

As with the case of Khairullah Khaikhwa, the wrong questions are still being asked. Rather than asking whether these men can legitimately be held, what those who are disturbed by the ongoing existence of Guantánamo need to be asking instead is why the courts are justifying the ongoing — and possibly indefinite — detention of the Guantánamo prisoners, when that is inappropriate.

The majority of those still held were soldiers, who should be able to argue now that the conflict in which they were seized was finite, and cannot be an endless "War on Terror," and the rest, accused of involvement with terrorism, should be tried for their alleged involvement in criminal activities.

*Andy Worthington is the author of The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison (published by Pluto Press, distributed by Macmillan in the US, and available from Amazon — click on the following for the US and the UK) and of two other books: Stonehenge: Celebration and Subversion and The Battle of the Beanfield. To receive new articles in your inbox, please subscribe to my RSS feed (and I can also be found on Facebook, Twitter, Digg and YouTube). Also see my definitive Guantánamo prisoner list, updated in June 2011, details about the new documentary film, "Outside the Law: Stories from Guantánamo" (co-directed by Polly Nash and Andy Worthington, on tour in the UK throughout 2011, and available on DVD here — or here for the US), my definitive Guantánamo habeas list and the chronological list of all my articles, and, if you appreciate my work, feel free to make a donation.*

## **Op-Ed: Some Guantanamo detainees should be tried in the United States**

The Olympian  
July 29, 2011

Even now, nearly 10 years since the events of September 11, 2001, it is difficult to consider the legal status of those at Guantanamo dispassionately.

This is because, for many, these detainees will always represent those who hurt us and would do so again. However, if we are to remain true to our own national values, we must have the courage to set aside our emotions and allow our legal and judicial processes to determine the final legal status of these detainees and to release or condemn them as the evidence warrants.

To date we have denied Guantanamo detainees reasonable right to fair trial and judicial review. Many argue this isn't required since Guantanamo detainees do not have legal rights under U.S. law because they were captured outside of the U.S. and not held on U.S. territory.

Many point to examples such as the District of Columbia Court of Appeals finding that the Military Commissions Act of 2006 did indeed prevent federal and other courts from considering writs of habeas corpus submitted by Guantanamo detainees determined to be "enemy combatants" for support in this argument.

Further, many argue that Guantanamo detainees do not require trial under U.S. court because the courts have said that Combatant Status Review Tribunal (CSRT) is sufficient to determine their status. Supporters of this argument say that because the tribunals provide for determination of legal status, access to an advocate, presentation of evidence supporting innocence, and that the D.C. Court of Appeals provides for legal review in case of dispute detainees legal needs are met.

Still others argue that, to allow the Guantanamo detainees to be tried in U.S. courts would unnecessarily compromise national security and the safety of U.S. citizens. This, they say, is because in civil court classified documents used as evidence against the detainee must be released to the detainee and others which would compromise on-going operations. Public safety is also said to be put at risk because detainees, brought to civil courts but found not guilty would be released within the U.S. leaving open the possibility of further attacks.

However convincing such arguments may be there is also much to suggest that trial for Guantanamo detainees under U.S. law is proper, advisable, and more consistent with our values.

Let us look first to the authority and efficacy of CSRTs in meeting the legal needs of detainees. Here the U.S. Supreme Court (*Boumediene v. Bush*) found that CSRTs did not provide the detainee with proper access to evidence used against them, access to proper legal counsel, nor with a timely or guaranteed means of introducing evidence in support of their innocence.

With regard to legal rights the U.S. Supreme Court found that detainees held at Guantanamo did retain at least one key right, that of the writ of habeas corpus. Because U.S. law applied everywhere in Guantanamo, the court found that the writ applied to detainees even though Guantanamo is not sovereign U.S. territory. The writ of habeas corpus provides detainees with the right to question the legality of their arrest and detention.

Finally, there exists already remedy under U.S. law to minimize or prevent breaches to U.S. security due to release of sensitive documents. This remedy, Classified Information Protection Act, prevents the release of such documents if there is danger to national security. The government has already used the remedy, for example, in the case of the case of the 1998 embassy bombing.

Ensuring that detainees are tried swiftly and fairly then is not only just but is in keeping our national character.

*Kevin Deleon, a employee of the state of Washington and of the Washington Army National Guard, is a member of The Olympian's Diversity Panel. He can be reached [KreggieD@aol.com](mailto:KreggieD@aol.com).*

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*

August 16, 2011

Dear [NAME],

Please see below for a CNN article published today on the ongoing detention of Kuwaiti Guantanamo detainees Fayiz Al-Kandari and Fawzi Al-Odah as well as the background on their cases and related political developments in Kuwait and the U.S.

Let me know if you have any questions or would like any additional information.

Thank you,  
Lee

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## **Ten years on, Kuwaiti inmates fear indefinite Guantanamo detention**

By Jenifer Fenton  
CNN  
August 16, 2011

Source: <http://www.cnn.com/2011/WORLD/meast/08/16/kuwaiti.guantanamo.detainees/>

Abu Dhabi, UAE (CNN) -- In the summer of 2001, Fayiz Mohammed Ahmed Al Kandari, the eldest son of a large family, left Kuwait to travel to Afghanistan. His stated purpose was to do charitable work, assisting with the reconstruction of two wells and the repair of a mosque.

His trip was for the sake of his mother who had cancer so there would be "more blessings from God on her behalf," according to a member of the Al Kandari family. He had traveled to Afghanistan before on charitable work in 1997 -- and to Bosnia in 1994.

But this visit would end up with a much longer and unintended journey -- to Guantanamo Bay in Cuba. Nearly 10 years later, Al Kandari remains incarcerated at the U.S. detention facility. And his case illustrates the difficulties of establishing who may have had links with al Qaeda and similar groups in the chaotic aftermath of 9/11, the strength of evidence against them, and whether they might remain or become a threat today if freed from detention.

Kuwait is an important U.S. ally in the Gulf: During the first Gulf War in the early 1990s, the U.S. led the counteroffensive that pushed Saddam Hussein's invading Iraqi forces out of Kuwait, and Kuwait allowed U.S. troops to enter Iraq from its territory during the 2003 invasion.

According to his passport Al Kandari left Kuwait at the end of June 2001. He traveled to Pakistan, where he stayed for two months and then he traveled on to Afghanistan, according to legal transcripts.

Lt. Col. Barry Wingard is defending Al Kandari before the military commission that is hearing his case at Guantanamo Bay. He says that after the 9/11 attacks, Al Kandari remembers leaflets falling all around him. On the leaflet there was a picture of an Afghan man, who was holding a bag of money. The leaflet read, "You turn in your Arabs and we will give you money."

Local Afghan officials advised Al Kandari to leave, according to Wingard. But in October 2001, he was captured by the Northern Alliance -- along with many other Arabs -- and "sold" to U.S. forces in Afghanistan, Wingard said.

Prosecutors say the story about Al Kandari's charitable work is not true. Al Kandari is accused of giving material support to terrorism and conspiracy to materially support terrorism.

A September 2004 Combatant Status Review Board said: "The detainee (Al Kandari) recruited personnel to participate in jihad in Afghanistan ... traveled into Afghanistan and received weapons training at the Khaldan training camp. Osama bin Laden personally provided religious instruction and trainee (sic) at this camp." The Board concluded Al Kandari was a member of al Qaeda and "the detainee was in the Tora Bora mountain region in October or November 2001."

Al Kandari, now 36, has always denied the accusations. According to legal transcripts, he said: "I looked at all the unclassified accusations; I was laughing so hard."

He said he'd been accused of fighting with the Taliban and al Qaeda and that he'd spent most of his time in Afghanistan alongside Osama bin Laden.

"All this happened in a period of three months ... I ask, 'Are these accusations against Faiz or against Superman?' It seems to me that whoever wrote these accusations he must (have) been drinking and he must have been drunk when he wrote it."

Moazzam Begg, a British Muslim who was also held at Guantanamo, says Al Kandari was taken to an American detention center in Kandahar. Begg told CNN he remembered Al Kandari from Kandahar because the Americans would bring him from cell to cell to collect trash.

Begg says others in the detention center told him Al Kandari was knowledgeable about Islamic issues. Begg was transferred to Bagram Air Force Base and then to Guantanamo and says he never saw Al Kandari again. But he says he never heard another detainee say anything about Al Kandari being associated with known terrorists or terrorists activities.

Al Kandari's friends and relatives also insist he never had any affiliation with terrorist organizations, according to legal documents. Despite years of interrogations, Al Kandari has maintained his innocence, Wingard said.

Al Kandari is only allowed a phone call to his family every several months. His mother, Fatima Yusuf, is still alive, 10 years after Al Kandari left for Afghanistan.

"I have lost my son for years and I am longing for him," she wrote in testimony for her son. Al Kandari "used to divide his daily pocket expenses into two halves, one for him and he used to distribute the other half to the poor. Sometimes, he spent his whole pocket expenses to the needy, without withholding anything for him."

Presently, Al Kandari is not making the calls to his family because he has been locked in solitary confinement for going on a hunger strike after his personal belongings, including his mail, was taken, according to his Wingard, his lawyer.

Al Kandari is one of two remaining Kuwaiti detainees. Ten Kuwaiti detainees have been released from Guantanamo.

At its peak, Guantanamo held at least 779 men. But over the years some 600 men have been sent to their country of origin or to a country willing to take them. There are now fewer than 200 held at the facility. Some are likely to be released, but in March, U.S. President Barack Obama signed an executive order that allows for "indefinite detention" with periodic reviews for dozens of detainees. The Obama administration also announced that military commission trials against other detainees will resume. President Obama had previously signed an executive order in 2009 promising to close the detention facility within a year.

Al Kandari, his lawyers believe, is likely to be indefinitely detained. "Forty-eight unfortunate souls in Guantanamo Bay will never get a trial, will be presumed guilty and will die in Guantanamo without ever having stepped into a courtroom," Wingard said. Al Kandari has an appeal before the Court of Appeals for the D.C. Circuit, but David Cynamon, the lead attorney for the Kuwaiti detainees at Guantanamo Bay Prison, believes that the court is a "black hole" for the detainees.

Earlier this year, the U.S. Supreme Court rejected an appeal from another Kuwaiti -- Fawzi Al Odah -- challenging his indefinite detention. Al Odah, who Cynamon represents, also claims he was traveling to the Pakistan-Afghanistan region in 2001 to teach and for charity work.

According to Al Odah's combatant status review board in 2004, Al Odah was associated with al Qaeda and the Taliban. Additionally, "The detainee admits carrying an AK-47 through the Tora Bora mountains for 10 to 11 days during the U.S. air campaign in that region."

Al Odah, now 34, has maintained his innocence throughout his detention. His father Khalid Al Odah told CNN that he was carrying a weapon when he was detained, but only for self defense.

The difficulty with the Guantanamo cases is the government relies on hearsay, Cynamon said. There is no way of "testing the truthfulness of the people making the allegations."

According to diplomatic cables from the U.S. Embassy in 2009, published by WikiLeaks, the U.S. Ambassador in Kuwait dismissed the Kuwaiti detainees "as nasty, unrepentant individuals" and added: "Kuwait's record had been tarnished by the example of former GTMO detainee al-Ajmi, who'd allegedly (blew) himself up in Mosul following his release to the Kuwaiti authorities."

Kuwait's Minister of Interior Sheikh Jaber al-Khalid Al Sabah noted according to the same cable: "We are not Saudi Arabia; we cannot isolate these people in desert camps or somewhere on an island. We cannot compel them to stay. If they are rotten, they are rotten and the best thing to do is get rid of them. You picked them up in Afghanistan; you should drop them off in Afghanistan, in the middle of the war zone."

Adel Abdul Hadi, one of Al Kandari's defense lawyers, said of Sheikh al Sabah's comments: "Those charged with having Fayiz (Al Kandari) and Fawzi (Al Odah) returned were actually suggesting they be murdered instead (of) being returned to Kuwait."

The nine other Kuwaiti detainees who have been repatriated to Kuwait between 2005 and 2009 have reintegrated well said Khalid Al Odah, who works with the Kuwait Family Committee, which lobbies on behalf of the remaining Kuwaiti prisoners in Guantanamo. "They are productive. Some have children, they are working and we are in contact with them all the time," Khalid Al Odah said.

Fouad Mahmoud Al Rabiah was the last Kuwaiti detainee released from Guantanamo in December 2009. In his case a U.S. District Court concluded at the time that Al Rabiah's uncorroborated confessions, which his counsel attributed to abuse and coercion, were "not credible or reliable, and that the Government has failed to provide the Court with sufficiently credible and reliable evidence to meet its burden of persuasion. If there exists a basis for Al Rabiah's indefinite detention, it most certainly has not been presented to this Court." His petition for habeas corpus was granted.

Al Rabiah was repatriated to Kuwait where he was supposed to live in a rehabilitation center, according to Cynamon, his lawyer. But after a few days of interrogation, the Kuwaiti authorities decided there was no case against Al Rabiah and they allowed him to go free.

If Al Kandari and Al Odah were released they would be sent to a rehabilitation center in Kuwait's central prison, Khalid Al Odah said. They would not be allowed to leave the country and they would be under surveillance, Khalid Al Odah said.

Khalid Al Odah said his son may have lost his legal battle, but "Kuwait has other cards to play with."



On May 18, Kuwait's parliament descended into a brawl during a debate about the fate of Al Kandari and Al Odah. According to press reports, a Shiite MP referred to the Kuwait detainees as "al Qaeda" militants. That provoked an argument with a Muslim Brotherhood MP -- and blows were exchanged -- leading Assembly Speaker Jassem Al-Kharafi to suspend the session.

The majority of Kuwaiti MPs and thousands of others have signed a petition asking the U.S. to give the Kuwaiti detainees a fair trial or release them.

Kuwaiti MP Rola Al-Dashti said it was impossible to know if Al Kandari was guilty or innocent: "I don't see a fair trial ... nobody knows why the U.S. is keeping them," she said, referring to Al Kandari and Al Odah. It is very important to the people of Kuwait and to the families of the detainees that the U.S. abide by democratic principles, she said. "It doesn't look good to look into the U.S. and see this kind of practice."

Al Odah's father Khalid said "Ten years is long enough to keep them without a trial."

The recently departed U.S. Ambassador to Kuwait Deborah Jones, who was serving in her post when the WikiLeaks cables were allegedly sent, said the remaining two Kuwaiti detainees in Guantanamo represent a threat to both the U.S. and Kuwait, according to Kuwaiti press reports. (The U.S. embassy in Kuwait declined to comment on the remarks or provide a transcript of the ambassador's press event in which the comments were reportedly made).

Al Kandari has maintained that after finishing the repairs on the mosque back in 2001, he placed a plaque there. His defense team are still trying to trace that mosque. Adel Abdul Hadi, his lawyer, says that "if found, it will be yet more proof that U.S. intelligence is again wrong."

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*

October 28, 2011

Dear [NAME],

Good afternoon. Please see the article below featuring interviews with Kuwaiti former Guantanamo detainees Fouad Al-Rabiah and Abd Al Aziz Sayer Uwain Al-Shammeri, who discuss their time at Guantanamo and lives since leaving the military detention facility. The piece also includes the perspective of Khalid Al-Odah, father of Kuwaiti Guantanamo detainee Fawzi Al-Odah, who discusses his son's condition at Guantanamo and prospects for release.

Let me know if you have any questions or would like any additional information.

Thank you,  
Lee

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## **Former Guantanamo inmates tell of confessions under 'torture'**

By Jenifer Fenton

CNN

October 28, 2011

Source: <http://www.cnn.com/2011/10/28/world/meast/guantanamo-former-detainees/>

**Editor's note:** Nearly three years after President Obama declared the Guantanamo prison for terrorist suspects would be closed, the camp in Cuba remains open. Of the more than 750 inmates that were once held there, fewer than 200 remain now. CNN contributor Jenifer Fenton interviewed one of the former guards, and some of the inmates.

**(CNN)** -- "You know what this is?" Fouad Al Rabiah asked as he held up a photograph of a cell in Guantanamo. "This is my house for eight years." The cell is small, sterile and resembles a cage. It has a hole in the floor where the toilet is.

Al Rabiah, a Kuwaiti father of four, then held up another piece of paper. "This is the first evidence that the United States government had given to the court to tell them that I am the worst of the worst in Guantanamo."

The evidence is a two-page letter in Arabic, which Al Rabiah was accused of writing. It was found in Tora Bora and was presented as evidence Al Rabiah and his son Abdullah were the leaders of an attack in Afghanistan in 1991. His oldest son was only one year old in 1991. "This was not me."

He showed more of the evidence used against him. The U.S. government had accused Al Rabiah of providing material support to al Qaeda and the Taliban. Al Rabiah was interrogated, by his own count, more than 200 times. He says he was tortured: "Lots and lots of torture." He confessed to any and everything his interrogators said about him.

Former Guantanamo detainee Fouad Al Rabiah But in 2009 U.S. District Court Judge Colleen Kollar-Kotelly ordered that Al Rabiah, an aviation engineer who had studied in Scotland and America, be released citing a lack of credible evidence that he was associated with al Qaeda or the Taliban.

The evidence presented by the government to the court was "surprisingly bare," and interrogators used "abusive techniques," Judge Kollar-Kotelly wrote in a 65-page opinion. The court said that Al Rabiah's confessions were so inconsistent or implausible even his interrogators did not believe them.

"It is also undisputed that Al Rabiah confessed to information that his interrogators obtained from either alleged eyewitnesses who are not credible and as to whom the Government has now largely withdrawn any reliance, or from sources that never even existed," the opinion stated.

The court concluded, "If there exists a basis for Al Rabiah's indefinite detention, it most certainly has not been presented to this court." Al Rabiah's petition for habeas corpus was granted.

Al Rabiah returned to Kuwait in December 2009. He had lost eight years of his life. "I lost so many things, but I know that I was right," he said. "I know that they were wrong." Al Rabiah is one of 12 Kuwaiti detainees taken to Guantanamo.

Human Rights WatchNine other Kuwaitis have been released, including Abd Al Aziz Sayer Uwain Al Shammeri. Al Shammeri had been detained without charge and transferred to Kuwait in 2005 for reasons that remain unclear. Al Shammeri and many of the freed detainees were charged in Kuwaiti courts following their release from Guantanamo but were acquitted of any wrongdoing.

One of those acquitted -- Abdallah Saleh Ali Al Ajmi -- blew himself up in Iraq, according to Pentagon officials.

Al-Ajmi was one of two Kuwaitis who took part in a suicide attack in Mosul in April 2008, the officials said. Records show an attack that day targeted an Iraqi police patrol and left six people dead, including two police officers.

Two people who knew Al Ajmi described him as unstable when he returned from Guantanamo.

Two Kuwaiti detainees, Fawzi Al Odah and Fayiz Al Kandari, remain in custody and their families and others fear they may be indefinitely detained.

I met with Al Rabiah, Al Shammeri and Khalid Al Odah, Fawzi Al Odah's father, in Kuwait 10 years after America's war on terror began.

#### **Life before Guantanamo**

Al Rabiah, now 52, had a documented history of doing charitable work with reputable organizations in Kosovo, Bosnia and Bangladesh. Before leaving for humanitarian trips Al Rabiah routinely requested leave from his employer Kuwait Airlines, where he had worked since 1981.

For the first 30 minutes of our meeting Al Rabiah, a serious and intense man, enthusiastically told me about his previous missions and expressed his view that as a wealthy Muslim country, Kuwait should help those less fortunate. "We are well off in comparison to other countries....We cannot see famine and natural disasters and do nothing about it."

Al Rabiah traveled to Afghanistan twice in 2001, July and October, for charitable reasons. He was on a fact-finding mission related to Afghanistan's refugee problems and lack of medical infrastructure, he said. The government said that Al Rabiah was a "devotee of Osama bin Laden who ran to bin Laden's side after September 11." The U.S. court ruled that the evidence strongly supported Al Rabiah's story.

Al Shammeri, 37, also said he traveled to Afghanistan in October 2001 for charitable reasons -- to teach Islamic law in Afghanistan. His life was "normal" before Guantanamo. He was married and had two children, who in 2001 were six and two years old.

He was an Islamic scholar and worked at the Ministry of Islamic Affairs in Kuwait. He was planning to get a master's degree in Egypt, where he had paid registration dues. He was accepted, he later learned, the same day he was captured in Afghanistan. He was 28 years old at the time.

I met Al Shammeri at Khaled Al Odeh's house, where the former detainees meet on a regular basis for support. He is a tall, relaxed and very funny man who smiles without interruption. He understands basic English. He is far from fluent, but he said with time he understood all the jargon related to Guantanamo.

Abd Al Aziz Sayer Uwain Al Shammeri "Terrorists," he said and laughs. "Guilty," that word too he added. "They never used the word innocent."

The U.S. said Al Shammeri was a member of al Qaeda and one of his known aliases was on a list of hard drives associated with al Qaeda.

### **Road to Guantanamo**

In October Al Rabiah entered Afghanistan through Iran, where he had been looking at the situation of Afghan refugees. "The day that I went into Afghanistan is the day the [American] bombing started. Of course this is all documented because I had the stamp," he said. The U.S. authorities later took possession of his passport and they saw the stamp, he added.

But when the bombing started, the Iranians closed the border. He decided he would try to leave Afghanistan through Pakistan and wrote a letter to his family about the situation.

Al Rabiah said at the time he weighed 108 kilograms (240 pounds) and could not see at night, which made him ill suited physically for the Afghan terrain. On December 25, he was captured in a village outside of Jalalabad, Afghanistan.

The villagers took him to the anti-Taliban Northern Alliance, who he alleged tortured him. Al Rabiah was in their custody he believes for about a month, and then, he alleges, the Northern Alliance sold him to the Americans for \$5,000, the same price as his watch.

He was then sent to Bagram Air Base, a U.S. military-controlled facility north of Kabul, where he said he was treated well. According to legal documents, at this point he told his family he was "detained by the American troops and thanks to God they are good example of humanitarian behavior."

Al Rabiah said he was told at Bagram that they were preparing for his transfer back to Kuwait, but that he would first need to move to Kandahar, Afghanistan. Al Rabiah spent two and half months in Kandahar, where he alleges he was tortured.

"There are more ways of torturing a person than you can imagine," he said.

Fouad Al Rabiah A report by Human Rights Watch in 2004 called attention to what it said was systemic abuse of detainees by U.S. military and intelligence personnel.

Abuse of detainees in Afghanistan included being stripped, kicked and punched, being forced to endure freezing temperatures, sleep deprivation, sensory deprivation and forcing detainees to sit or stand in painful positions for extended periods of time, according to HRW.

"Abuse of detainees was an established part of the interrogation process," the report said.

If the U.S. Department of Defense "receives specific, credible information of mistreatment by its personnel, those allegations are taken seriously and thoroughly investigated," according to Lt. Col. Joseph Todd Breasseale, a defense spokesperson.

He added, the "DoD does not tolerate the mistreatment of detainees and will continue to ensure proper training and accountability measures."

Al Shammeri was also sent to Kandahar. Before he was captured he said he realized the situation in Afghanistan was becoming increasingly more dangerous. He heard that every Arab was wanted dead or alive and Arabs were being bought and sold. So he said decided to leave via Pakistan, where he was arrested trying to cross the border.

He said he turned himself in to the Pakistanis thinking they would contact Kuwait and send him back home. "What first comes to anyone's mind is that once a citizen of any particular nation travels abroad...when a problem takes place, the logic dictates that he should be handed to his native country of origin and not to be extradited to a third party nation. That's what anyone in their sane mind would think," he said.

"If I only knew that this would have been the way, I'd have just gone in hiding."

The Pakistani government told him that they were going to send him back home, Al Shammeri said. But according to Al Shammeri, U.S. forces took him by plane to a military camp in Kandahar. Al Shammeri said he had no recollection of time or place. He too alleges he was tortured in Kandahar.

He was interrogated and beaten. He says he did not know what was happening because he did not understand all of the English, his eyes were covered, his hands and feet were tied and all he heard was the voice of an Arab interrogator.

When he was leaving Kandahar, Al Shammeri said he had no idea where he was going.

"They just recited my number...and they took me, shaved my head and then they tied me up and blindfolded me," he said.

"While I was walking toward the plane, there was a female military personnel who took the mufflers off my ears and told me that I am going home, in English, she said 'you are going back to your home' then she put them back on and for a second, I thought they are taking me back to Kuwait."

However Al Rabiah, who speaks fluent English, knew that none of the detainees would be going home. Everybody would be going to Guantanamo.

#### **Camp X-Ray, Guantanamo**

Al Rabiah arrived in Cuba on May 1, 2002. His first impression of the place was "heaven," he said compared to his detention in Afghanistan. The camp was clean. It was not blistering hot during the day and freezing at night like Afghanistan. There were no sandstorms and no planes taking off around the clock. They were allowed to shower.

He was told that they would not be held at Guantanamo for more than six months, which he thinks now was a tactic to keep them from rioting. "The first year in Cuba, I left my cell... for recreation only 24 hours for the whole year," Al Rabiah said. He passed his time by reading the Koran. He spent a lot of time in isolation.

He said early on he was told by a woman working at the camp "'We have nothing against you. We know nothing about you, but the president said there is no innocent [person] in Cuba'."

Al Rabiah said she continued advising him: "You cannot leave here so confess to something so we can charge you, sentence you and you go home. But if we don't charge you, sentence you, you are not leaving'."

Al Rabiah said he thought it was crazy and that he was not going to play that game. "I said this is absurd... that was way in the beginning and then they changed the tactics and started the torture."

The U.S. court opinion -- parts of which are redacted -- which freed Al Rabiah reads: "The following day marked a turning point in Al Rabiah's interrogations... After using a [redacted] ... featuring ... for approximately [redacted]. From that point forward, Al Rabiah confessed to the allegations that interrogators described to him."

I asked Al Rabiah what changed and why he started to "confess."

"I was threatened by two major things. First, they asked: 'Would you like to go home a drug addict,'" Al Rabiah said. Then they threatened to send him to a place where he would "disappear."

He said that he believed that these were not empty threats and he believed that people were sent to other countries and were tortured and "those people when they came back from there they were different people." They were broken "beyond repair."

In response to a query from CNN about alleged renditions and drug abuse, CNN was referred to a report by the Department of Defense on detainee conditions which said: "It is our judgment that the conditions of confinement, in Guantanamo, are in conformity with Common Article 3 of the Geneva Conventions," which among other things prohibits violence to life and person and humiliating and degrading treatment.

In 2003, a U.S. Justice Department memo by a Justice Department lawyer at the time John Yoo, based on a previous memo to then attorney general Roberto Gonzalez argued the drugs could be used on prisoners if the drugs did not "disrupt profoundly the senses or the personality," and U.S. law "does not preclude any and all use of drugs."

Several released detainees have said they were drugged, according to media reports. The Department of Justice and the CIA denied the accusations, according to the Washington Post, which reported on allegations of detainees being drugged.

A U.S. court said that threats against Al Rabiah included "rendition to places where Al Rabiah would either be tortured and/or would never be found," and threats against him "were also reinforced by placing Al Rabiah into the frequent flier program," a sleep deprivation program where detainees were frequently moved from one cell to another.

Al Rabiah concluded that if he resisted he was not going to be of any use to his family. But if he gave his captors what they wanted, he thought, "maybe I will be able to go back home and I will clear my name when I go back home. I reached a stage of desperation. I could not live any longer. I lost all hope. I had to play the game with them." This is how his confessions were made, according to Al Rabiah.

Al Rabiah recounted the sort of questioning he faced. The interrogator would say: "'Fauod, you were with so and so, doing so and so.'"

Al Rabiah would say: "Yes I have been there."

The interrogator said: "Did you see so and so person."

Al Rabiah would say: "I don't know did I?"

They said: "Yes you did."

Al Rabiah: "Ok I did."

Interrogator: "What did you talk about?"

Al Rabia said the interrogators would also take him to a detainee recreation area to collect "intelligence" from other detainees, who knew that he was reporting it back to the interrogator.

"Can you believe that?" Al Rabiah said. "This is the kind of intelligence gathering" they did. The U.S. court noted Al Rabiah once "made a full confession that is entirely different than his initial confession," and "Al Rabiah did not know what to admit" to."

Al Shammeri, however said he never "confessed" even though he alleged he was tortured. "If I did confess, I wouldn't be here," he said, referring to Kuwait. But he too reached a point of desperation, not unlike Al Rabiah's.

Al Shammeri said he was so desperate in 2005 that he went on a 100-day hunger strike which ended only when he was released. He also protested his detention in 2002 by refusing to eat.

Al Shammeri denied all of the government's claims against him.

According to a Department of Defense memorandum published by WikiLeaks, Al Shammeri was alleged to have "received training on advanced counter-interrogation techniques, as well as above average terrorist training typically taught by al Qaeda."

According to court documents, Al Shammeri said if he has wanted to kill Americans he did not need to travel to Afghanistan to do so as there were many Americans in Kuwait.

"If I wanted to fight with them, I would have fought them in Kuwait. You saw how people are bombing Americans in Saudi Arabia. If I had any hatred on my part, I would have done that to the Americans in Kuwait. There was no need for me to travel."

Al Shammeri said every time he was interrogated they would accuse him of something else, (something Al Rabiah said as well.) For example, because he studied Islamic law, he said he was accused of being a Taliban judge, which he said would not be possible because he was in Afghanistan for such a brief time and because he did speak the language.

He said he was tortured. "Yes, by God. I was tortured," Al Shammeri said. There are many ways of being tortured he added, but he did not elaborate on specifics. "I believe that... if the devil would have been there and witnessed these torture sessions, he would... have said 'how would you come up with such twisted thoughts.' Satan would say 'please come on.' These thoughts would be even surprising to the Devil himself."

In response to a query about detainee abuse, CNN was told via email by Cmdr. Leslie Hull-Ryde of U.S. Defense Operations: "The Department of Defense requires all its detention operations to meet a high standard of humane care and custody... We have updated our laws, policies, procedures and training to ensure respect for the dignity of every detainee in our custody."

#### **Life after Guantanamo**

When Al Rabiah returned to Kuwait he said he was warmly received. Those who knew him never thought he was guilty, he said. When repatriated Al Rabiah was supposed to -- according to a U.S. request -- live in a rehabilitation center, according to David Cynamon, the lead lawyer for the Kuwaiti detainees.

Cynamon said the request was improper. "It would be like the U.S. demanding conditions of parole on a prisoner that the court ordered released because the prisoner didn't commit a crime."

But Kuwaiti authorities decided there was no case against Al Rabiah and they allowed him to go free.

Al Rabiah returned to his job at Kuwait Airways. But he says he has lost so much.

While he was in Guantanamo his father died, his brother died, two uncles passed away and his mother had a stroke while he was away and could not speak to him when he returned.

"I lost the childhood of my children," he said. His youngest child was six years old when he left, and 15 when he finally returned home.

Al Rabiah said he was blessed that God kept him sane during his Guantanamo ordeal. But he is not a free man. Per a U.S. request, he is monitored, has to regularly report to a security post and he cannot travel, according to Al Rabiah. He fears that if he doesn't comply the U.S. will hold his actions against the remaining two Kuwaiti detainees.

Al Shammeri also has the same restrictions, which he follows mainly for the same reasons. For him, the Guantanamo issue is not finished. Since he was released he says he has continued to suffer because of the association. Unlike Al Rabiah, he was not ordered released by the court but rather he was released because a U.S. government decision. The details of his release are unknown.

When Al Shammeri, who now works for a private oil company in Kuwait, was told he was going to be released, officials at Guantanamo took his DNA and his photograph, he said. The guards presented him with a paper with a clause that they said Al Shammeri had written, which he denied, and they wanted him to sign it.

The clause said if Al Shammeri was found at any time to be with terror suspects, the U.S. would be allowed to imprison him for life, according to Al Shammeri. This was frightening to Al Shammeri, who said the list of the American suspects is huge and he worried about what would happen if he was with a suspect but did not know it. He refused to sign the document.

"The situation in Guantanamo is wrong 100%," Al Shammeri said. "In my case, I don't even know why I was transferred there and how and then I have no idea how I was released." He continued, "I am so confused ... I never understood the guidelines they used to release the detainees," Al Shammeri said.

"No one should just rule on the go, as they please. They can't just imprison whomever as they wish and when you ask about the charge, they say 'it is classified evidence that incriminates you.' This is what opens new gateways to terrorize people under the pretext of the law and this is not the law in any way."

At its peak, Guantanamo held at least 779 men. But over the years some 600 men have been sent to their country of origin or to a country willing to take them. There are now fewer than 200 held at the facility.

When asked, what the U.S. should do about alleged terrorists, people who are a security threat at Guantanamo, Al Rabiah answered "take them to trial, let justice take its route. If a person is a terrorist, kills innocent people he should not be set free." But, he added, "I was kept there for eight years...saying about me that I am the worst of the worst. Only when I went to court I was cleared."

Al Rabiah fears that the evidence against the two remaining Kuwaiti detainees in Guantanamo may be as weak as the evidence was against him. "If you [America] are sure they are bad people, don't you trust your legal system...or is it justice only for U.S. citizens... since when do people not have a right for justice... isn't that what the U.S. is known for?"

In Al Rabiah's case the courts also ruled that "none of the alleged eyewitnesses have provided credible allegations against Al Rabiah."

Fawzi Al Odah is one of those two Kuwait detainees being held. According to a Department of Defense memorandum published by WikiLeaks at least one person who provided evidence against Al Rabiah gave evidence against Al Odah.



"YM-252 stated detainee (Al Odah) and Fuad Mahmud Hasan al-Rabia assisted KU-552 in the production and distribution of jihad videos in Kuwait. The videos were created to encourage people to provide contributions or to fight in Bosnia and

Chechnya....YM-252 also reported detainee was well-connected to religious leaders in Kuwait, and stated detainee recruited young males in Kuwait to fight in Afghanistan. He also collected money that was then funneled to Afghanistan in support of KU-217."

Khalid Al Odah, Fawzi Al Odah's father, says he spoke to him on August 28, and he said his son was not well. Fawzi Al Odah was on a long hunger strike, close to two months, and he was in isolation.

Earlier this year, the U.S. Supreme Court rejected an appeal from Fawzi Al Odah challenging his indefinite detention. Fawzi Al Odah said he went to Afghanistan to do charity work, but the government claims he was associated with al Qaeda and the Taliban.

Fayiz Al Kandari, the other Kuwait detainee at Guantanamo, has an appeal in November in the Court of Appeals for the District of Columbia Circuit, but his lawyer is not hopeful about the case.

The main difficulty in defending the detainee cases is the government is allowed to rely entirely on hearsay, which is not normally admitted in the U.S. courts, according to Cynamon, who also represents Al Kandari.

"They don't have to bring any witnesses who are subject to cross examination." The government can simply submit "raw intelligence reports which basically are the summary write up of what an interrogator says, the detainee or what other people have said," Cynamon said.

Khalid Al Odah, fears his son is being punished in part because Kuwait has an independent judiciary. The U.S. cannot force Kuwait to hold former detainees in jail.

Here in Kuwait "you cannot bring someone and put in them in jail unless you try them," Khalid Al Odah said. But the U.S. has decided to release detainees to other countries that can put anyone they want to in jail without reason, he added. He feels these countries, which lack proper judicial systems, are being rewarded.

He also does not know what more he can do to assist his son's case.

Khalid Al Odah was told that the U.S. wanted to make sure that the two Kuwaiti detainees previously released, which included Al Rabiah, were monitored and reported back often to the Kuwaiti authorities.

After four months, if the system was working his son would be released. But time passed and the U.S. said it would not release the remaining two Kuwaitis, including his son, for security reasons. Khalid Al Odah was told that the U.S. said they were very dangerous.

"But they will never tell you why," Khalid Al Odah said.

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*These materials are distributed by Levick Strategic Communications on behalf of the International Counsel Bureau. Additional information is available at the Department of Justice in Washington, D.C.*